

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**BID FOR POSITION, LLC,**

**Plaintiff,**

**v.**

**AOL, LLC, GOOGLE, INC.,  
MICROSOFT CORP., and MIVA, INC.,**

**Defendants.**

**CASE NO. 2:07-cv-582 JBF/TEM**

**Jury Trial Demanded**

**Plaintiff Bid For Position, LLC's Motion for  
Partial Summary Judgment re: Anticipation (35 U.S.C. §102)**

Plaintiff Bid for Position, LLC, by counsel and pursuant to Federal Rule of Civil Procedure 56(c), and Local Civil Rules 7 and 56 (E.D. Va. 2008), hereby moves this Court for partial summary judgment that Defendants' affirmative defenses and counterclaims, to the extent they rest on assertions of anticipation under 35 U.S.C. §102, are without merit. Alternately, and to the extent the Court determines that there are disputed issues of fact relating to particular references, Plaintiff moves this Court to issue an order establishing that the asserted claims of the Konia patent are not anticipated by any other prior art references. The grounds for this motion are set forth in the brief in support filed herewith.

Dated: July 14, 2008

Respectfully submitted,

BID FOR POSITION, LLC,

By Counsel

/s/

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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